

Date

Mr. Benjamin Rayburn
33153 Beverly Drive
Denham Springs, Louisiana 70706

Re: Ethics Board Docket No. 2021-099

Dear Mr. Rayburn:

The Louisiana Board of Ethics, at its March 5, 2021 meeting, considered your request for an advisory opinion as to whether you, the former Assistant Commissioner for the Office of Agricultural and Environmental Sciences of the Louisiana Department of Agriculture and Forestry, may accept employment with Keppco Commercial Pest Control Company within two years of the termination of his employment.

FACTS PROVIDED

You stated that you are the former Assistant Commissioner for the Office of Agricultural and Environmental Sciences ("AES") of the Louisiana Department of Agriculture and Forestry. You stated that you retired on August 15, 2020 after 30 years of service. As Assistant Commissioner, your position was statutorily responsible for the supervision and direction of the various programs administered by AES and the position has a seat on the Louisiana Structural Pest Control Commission. One of the Divisions under AES, Pesticide and Environmental Programs, regulates the structural pest control industry. This regulation includes testing, licensing, certification, compliance review, complaint investigation, violation adjudication, etc. Although you stated you had oversight as the Commissioner over this Division, the Division has a Director that administered the programs within that Division on a day-to-day basis.

You stated that Keppco Commercial Pest Control Company was licensed and in good standing for several years prior to you taking the position of Assistant Commissioner. Further, Keppco never appeared before the Structural Pest Control Commission while you were a member of the Commission.

You stated that you would like to accept a part-time position as a structural pest control technician with Keppco, a licensed structural pest control owner/operator.

LAWS

La. R.S. 42:1121A(1) provides no former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that former agency or render any service on a contractual basis to or for such agency.

La. R.S. 42:1121A(2) provides that no former member of a board or commission shall, for a period of two years following the termination of his public service on such board or commission, contract with, be employed in any capacity by, or be appointed to any position by that board or commission.

La. R.S. 42:1121B provides no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following the termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

CONCLUSION

The Board concluded, and instructed me to inform you, that you would not be prohibited from accepting employment with Keppco Commercial Pest Control Company. However, you would be prohibited from assisting Keppco, for two years from August 15, 2020, in any transaction or in any appearance in connection with any transaction involving the Office of Agricultural and Environmental Sciences of the Louisiana Department of Agriculture and Forestry. In addition, you would also be prohibited from assisting Keppco, for two years from August 15, 2020, in any transaction or in any appearance in connection with any transaction in which you participated while serving as the Assistant Commissioner involving the Louisiana Department of Agriculture and Forestry.

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This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker,
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only.
and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.